

Serial No. : 09/001,884  
Examiner: Kinfe-Michael Negash

216 along with necessary corresponding communications lines, as illustrated, provide support for all of the claimed features. Consequently, Applicants request withdrawal of the Examiner's objection to the drawings.

Claims 11-16 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. As noted above all the elements set forth in claims 11-16 are clearly shown in the drawing figures. *See Figure 2 and page 16 line 4 to page 17 line 20.* Accordingly, Applicants request withdrawal of the Examiner's rejection of claims 11-16 as set forth in paragraph four of the Office Action.

Claims 1-3, 8-9, 11-13, and 15 were rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,218,465 to Lebby, et al. ("Lebby"). Additionally, claims 4-7, 10, 14, and 16 were rejected under 35 U.S.C. 103(a) as being unpatentable over Lebby. Lebby teaches a detect circuit 40, without specifically showing the components therein as indicated by the Examiner, that detects failures in an optical path and sends a signal denoting that a failure has occurred. Lebby then teaches that when a failure is detected, then the data is "automatically switched" to a predetermined path. *See column 4 lines 24-37.* Thus, Lebby specifically teaches away from "determining whether a protect channel is restoring one of the one or more previous failures . . .," "determining whether a protect channel is restoring a previous failure . . .," or "enabling said processor to determine whether said subsequent failure is restorable via an optical cross connect switch . . ." as set forth in independent claims 1, 11, and 12, respectively. Accordingly, independent claims 1, 11, and 12 are deemed to be in condition for allowance. Therefore, Applicants request withdrawal of the Examiner's rejection of independent claims 1, 11, and 12 as set forth in paragraph six of the Office Action and full allowance of same.

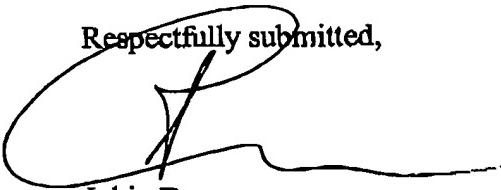
Claims 2-10 and 13-16 depend from and further limit, in a patentable sense, independent claims 1 and 12, respectively, and, hence, are also submitted to be in condition for allowance. Therefore, Applicants respectfully request withdrawal of the Examiner's rejection of claims 2-10 and 13-16, as set forth in paragraphs six and nine of the Office Action and full allowance of same.

While it is believed that the foregoing amendment places the Application in condition for allowance, should the Examiner have any further comments or suggestions, it

Serial No.: 09/001,884  
Examiner: Kinfe-Michael Negash

is respectfully requested that the Examiner contact the undersigned to expeditiously resolve any outstanding issues.

Respectfully submitted,



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